

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed on June 18, 2003, is respectfully requested. Claims 1-54, 57, and 59-137 are withdrawn. Claims 55-56 and 58 have been canceled and claims 138-146 have been newly added. Claims 138-146 remain pending in this case. Support for these amendments can be found in the specification at, e.g., page 11, line 22 – page 15, lines 30; Figs. 5 and 6; page 22, line 18 – page 24, line 3; page 29, line 3 – page 32, line 26; and page 37, line 9 – page 41, line 15. Therefore, these amendments are made without introducing new matter.

35 U.S.C. § 112, first paragraph

Claims 55, 56, and 58 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the examiner has rejected the term “pharmaceutically active compound” as lacking support in the specification. In addition, the examiner alleged that the specification does not contain written description of the methods recited in claims 55 and 56. Applicants have canceled claims 55, 56, and 58. Therefore, the rejections to these claims are now moot. Applicants have added new claims 138-146. New claim 138 describes the supramolecular complex as containing first, second, and third binding components, each comprising a pRNA component and a peptide component. Applicants note that independent claim 138 does not include the objectionable term “pharmaceutically active compound,” but rather includes the term “biologically active molecule.” Support for this term can be found in the specification at, e.g., page 13, lines 17-19.

35 U.S.C. § 112, second paragraph

Claims 55, 56, and 58 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. Applicants have cancelled claims 55, 56, and 58. Therefore, the rejections to these claims are now moot. Applicant has added new claim 138, which takes into account the examiner's comments regarding claim 55. In particular, new claim 138 does not contain the term “(molecule)” or the conditional phrase “may.” The supramolecular complex is also defined in claim 138 as containing first, second, and third binding components, each comprising a pRNA component and a peptide component.

Claim 56 was rejected as being allegedly unclear as to how a pharmaceutically active compound is determined to be as such. As stated above, the term “pharmaceutically active compound” is no longer used in the newly added claims. In addition, claim 56 was canceled. Therefore, this rejection is now moot.

Claim 58 was rejected as being unclear with respect to the term “antagonist.” Claim 58 has been canceled. Therefore, this rejection is now moot.

For all of the above-mentioned reasons, Applicants respectfully request withdrawal of the rejections and consideration of the newly added claims.

35 U.S.C. § 103

Claims 55, 56, and 58 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly being unpatentable over Cubicciotti et al. (U.S. Patent No. 6,287,765). Applicants have canceled claims 55, 56, and 58. Therefore, these rejections are now moot. Newly added claims 138-146

specify that the supramolecular complex comprises a first, second, and third binding component, wherein each binding component comprises a pRNA component and a peptide component.

Applicants assert that Cubicciotti et al. does not teach or suggest such a supramolecular complex.

The examiner has also acknowledged that “[t]he elected species are free of prior art.” Therefore,

Applicants respectfully request withdrawal of the rejections and reconsideration of the newly added claims.

IDS Statement

Applicants note that the PTO-Form 1449 submitted March 31, 2000, was not returned to Applicant with initials in the left-most column. Applicant respectfully requests that the Examiner return a copy of PTO-Form 1449 with the next Office Action.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,

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